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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/756,681	01/10/2001	Kunwar C. Singh	022404-00004	4578
4372	7590	06/09/2004	EXAMINER	
ARENT FOX KINTNER PLOTKIN & KAHN 1050 CONNECTICUT AVENUE, N.W. SUITE 400 WASHINGTON, DC 20036			PWU, JEFFREY C	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 06/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/756,681

Applicant(s)

SINGH, KUNWAR C.

Examiner

Jeffrey Pwu

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MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being unpatentable over Krause (US 6,089,451).

Krause discloses claims:

1. A retail payment device, comprising:

a substrate (6);

a processor disposed on said substrate (5);

an activatable/deactivatable communication unit connected to said processor (col.2, lines 35-65);

an activation unit connected to said processor (86; col.2, lines 35-65);

a code generator connected to said processor (3); and

a deactivation unit connected to said processor (88);

wherein said communication unit is configured to be disabled until an authorized activation action is provided by said activation unit, which actuates said processor to activate the communication unit (col.3, lines 13-67).

2. A retail payment device as recited in claim 1, wherein said deactivation unit deactivates the communication unit after a single transmission of data therefrom (88).

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3. A retail payment device as recited in claim 1, wherein said communication unit is a magnetic strip (6).

4. A retail payment device as recited in claim 1, wherein said activation unit comprises a touch pad (83).

5. A retail payment device as recited in claim 1, wherein said activation unit comprises a fingerprint reader (col.2, lines 24-34).

6. A retail payment device as recited in claim 1, wherein said substrate, processor, communication unit, activation unit, code generator, and deactivation unit comprise a smart credit card (abstract).

7. A retail payment device as recited in claim 1, wherein said code generator comprises a magnetic code generator which generates authorized credit card account information upon activation by said activation unit (col.2, lines 35-65);

8. A retail payment device as recited in claim 1, wherein said deactivation unit comprises a swipe detection unit which is configured to deactivate the communication unit after a single swipe of the substrate through a credit card reader (col.4, line 29-col.6, line 65);

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9. A retail payment device as recited in claim 1, further comprising a power supply unit to supply power to said processor (battery).

10. A retail payment device as recited in claim 1, further comprising a display connected to said processor, said display indicating whether the communication unit is in an active or deactive state (col.4, lines 41-48).

11. A retail payment device as recited in claim 1, wherein, in a deactivated state, said communication unit is an inactive magnetic strip (col.4, lines 29-64).

12. A retail payment device as recited in claim 1, wherein, in a deactivated state, said communication unit is a magnetic strip containing sufficient magnetic noise so as to render the strip unreadable by a magnetic strip reader (col.4, lines 29-64).

13. A retail payment device as recited in claim 1, wherein said authorized activation action is initiated by entrance of a predetermined code onto the activation unit (col.4, lines 29-64).

14. A retail payment device as recited in claim 1, wherein said authorized activation action is the scanning of a fingerprint on a fingerprint reading device which is also disposed on the substrate and connected to the processor (col.4, line 65-col.7, line 16).

15. A retail payment device as recited in claim 1, wherein said communication unit comprises a

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magnetic strip, said activation unit comprises a touch pad, and wherein upon entrance of a predetermined code onto said touch pad, said code generator generates authorized code information which is transmitted to said magnetic strip, thereby effectively activating the retail payment device for use as a credit card (col.4, line 65-col.7, line 16).

16. A retail payment device as recited in claim 15, wherein said deactivation unit deactivates the magnetic strip after a single swipe of the magnetic strip through a magnetic strip reader (col.4, line 65-col.7, line 16).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Pwu whose telephone number is 703 308-7835.

Jeffrey Pwu



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**JEFFREY PWU
PRIMARY EXAMINER**